



DEPARTMENT OF COMMERCE

International Trade Administration

[C-533-909]

Barium Chloride from India: Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing a countervailing duty order on barium chloride from India.

DATES: Applicable [Insert Date of Publication in the *Federal Register*].

FOR FURTHER INFORMATION CONTACT: Tyler Weinhold or Harrison Tanchuck, AD/CVD Operations, Office VI, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1121 and (202) 482-4798, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act), on January 6, 2023, Commerce published its affirmative final determination in the countervailing duty investigation of barium chloride from India.¹ On February 17, 2023, the ITC notified Commerce of its final determination, pursuant to sections 705(b)(1)(A)(i) and 705(d) of the Act, that an industry in the United States is materially injured by reason of subsidized imports of barium chloride from India.²

¹ See *Barium Chloride From India: Final Affirmative Countervailing Duty Determination*, 88 FR 1044 (January 6, 2021) (*Final Determination*).

² See ITC's Letter, "Investigation No. 701-TA-678 (Final)," dated February 17, 2023 (ITC Notification Letter); see also *Barium Chloride from India*, 88 FR 11476 (February 23, 2023).

Scope of the Order

The scope of the order is barium chloride from India. For a complete description of the scope of this order, *see* the appendix to this notice.

Countervailing Duty Order

As noted above, on February 17, 2023, in accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified Commerce of its final determination in this investigation, in which it found that an industry in the United States is materially injured by reason of imports of barium chloride from India. Therefore, in accordance with sections 705(c)(2) and 706 of the Act, Commerce is issuing this countervailing duty order. Because the ITC determined that imports of barium chloride from India are materially injuring a U.S. industry, unliquidated entries of such merchandise from India, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

In accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties for all relevant entries of barium chloride from India. With the exception of entries occurring after the provisional measures period and before the publication of the ITC's final affirmative injury determination, as further described below, countervailing duties will be assessed on unliquidated entries of barium chloride from India entered, or withdrawn from warehouse, for consumption on or after June 17, 2022, the date of publication of the *Preliminary Determination*.³

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce will direct CBP to reinstitute the suspension of liquidation of barium chloride from India, effective on the date of publication of the ITC's notice of final determination in the *Federal Register*. These instructions will remain in

³ *See Barium Chloride from India: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination*, 87 FR 36460 (June 17, 2022) (*Preliminary Determination*).

effect until further notice. Commerce also intends, pursuant to section 706(a)(1) of the Act, to instruct CBP to assess countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates below. On or after the publication of the ITC's final injury determination in the *Federal Register*, CBP must require, at the same time as importers would normally deposit estimated import duties on this merchandise, a cash deposit equal to the rates listed in the table below. The all-others rate applies to all producers or exporters not specifically listed, as appropriate.

Company	Subsidy Rate (percent)
Chaitanya Chemicals ⁴	23.57
All-Others	23.57

Provisional Measures

Section 703(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigation, Commerce published the *Preliminary Determination*, which was affirmative, on June 17, 2022. Therefore, entries of barium chloride from India made on or after October 15, 2022, and prior to the date of publication of the ITC's final determination in the *Federal Register*, are not subject to the assessment of countervailing duties due to Commerce's discontinuation of the suspension of liquidation.

In accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of barium chloride from India, entered, or withdrawn from warehouse, for consumption, on or after October 15, 2022, the date on which the provisional measures period expired, until and through the day preceding the date of publication of the ITC's final injury determination in the *Federal Register*. Suspension of liquidation and the collection of cash deposits will resume

⁴ As discussed in the *Final Determination* and accompanying Issues and Decision Memorandum, Commerce has found the following company to be cross-owned with Chaitanya Chemicals: Chaitanya Barium (India) Private Limited.

on the date of publication of the ITC's final determination in the *Federal Register*.

Establishment of the Annual Inquiry Service Lists

On September 30, 2021, Commerce published the final rule entitled: *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws* in the *Federal Register*.⁵ On September 27, 2021, Commerce also published the notice entitled: *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions* in the *Federal Register*.⁶ The *Final Rule and Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.⁷

In accordance with the *Procedural Guidance*, for orders published in the *Federal Register* after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called "AISL-Annual Inquiry Service List."⁸

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration,

⁵ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

⁶ See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

⁷ *Id.*

⁸ This segment will be combined with the ACCESS Segment Specific Information (SSI) field, which will display the month in which the notice of the order or suspended investigation was published in the *Federal Register*, also known as the anniversary month. For example, for an order under case number A-000-000 that published in the *Federal Register* in January, the relevant segment and SSI combination will appear in ACCESS as "AISL-January Anniversary." Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*, the new annual inquiry service list will be in place until the following year, when the opportunity notice for the anniversary month of the order is published in the *Federal Register*.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.”⁹ Accordingly, as stated above, the petitioner and the Government of India (GOI) should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list. Pursuant to 19 CFR 351.225(n)(3), the petitioner and the GOI will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and the GOI are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notifications to Interested Parties

This notice constitutes the countervailing duty order with respect to barium chloride from India, pursuant to section 706(a) of the Act. Interested parties can find a list of countervailing

⁹ See *Final Rule*, 86 FR at 52335.

duty orders currently in effect at <http://enforcement.trade.gov/stats/iastats1.html>. This order is published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: February 28, 2023.

Abdelali Elouaradia,
Deputy Assistant Secretary
for Enforcement and Compliance.

Appendix

Scope of the Order

The merchandise covered by this order is barium chloride, a chemical compound having the formulas BaCl₂ or BaCl₂·2H₂O, currently classifiable under subheading 2827.39.4500 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

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